

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:10-CR-310-D

UNITED STATES OF AMERICA

v.

RANDALL BURGESS,

Defendant.

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**ORDER ON RELEASE PENDING
REVOCATION HEARING**

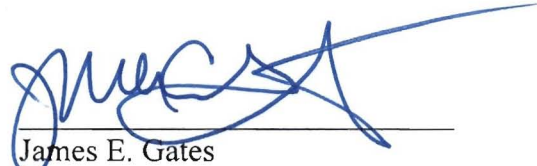
This case came before the court today for a hearing on the government's oral motion for the detention of defendant pending the hearing on the government's motion for revocation of his supervised release. (*See* D.E. 37; Minute Entry after D.E. 41). At the start of the proceeding, the government withdrew its motion and consented to defendant's release subject to the imposition of the requirement for electronic monitoring. The government stipulated to the sufficiency of the electronic monitoring, in combination with the conditions of supervised release, to address any risk of flight or danger defendant presents pending his revocation hearing. Based on this representation and the other information of record, the court finds by clear and convincing evidence that defendant is not likely to flee or pose a danger to any other person or the community if released subject to the conditions noted. *See* Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a).

IT IS THEREFORE ORDERED as follows:

1. Pending his revocation hearing, defendant shall submit to location monitoring technology as directed by the pretrial services office or supervising officer, and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.
2. The defendant must pay all or part of the cost of the program based upon his ability to pay as the pretrial services office or supervising officer determines.

3. The United States Marshal shall keep the defendant in custody until notified by the pretrial services officer or supervising officer that the electronic monitoring is in place.

SO ORDERED, this 1st day of February 2013.



James E. Gates
United States Magistrate Judge